

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

C.A. 03-CV-12497

PREMIER CAPITAL LLC.                     )  
                    Plaintiff,                     )  
  )  
v.   )  
  )  
BEVERLY JOHNSON PENZELL                )  
d/b/a Law Office of Kris E. Penzell     )  
and BEVERLY JOHNSON                    )  
PENZELL, as personal                    )  
Representative of the ESTATE OF     )  
KRIS E. PENZELL,                         )  
                    Defendants.                )

**JOINT STATEMENT REGARDING PROPOSED  
DISCOVERY SCHEDULE (LOCAL RULE 16.1 (D))**

The plaintiff, Premier Capital, LLC (“Premier”), and the defendants, Beverly Johnson Penzell d/b/a Law Office of Kris E. Penzell, and Beverly Johnson Penzell as Personal Representative of the Estate of Kris E. Penzell (individually and collectively, “Defendants”), by their respective counsel of record, submit this joint statement regarding a proposed discovery schedule pursuant to Local Rule 16.1 (D).

1.     Discovery Plan. Plaintiff’s expert’s report(s), served on or before March 31, 2005; Defendants’ expert’s report(s), served on or before May 2, 2005; all discovery completed, May 31, 2005.
2.     Proposed Schedule for the Filing of Motions. Motion to amend complaint, filed on or before January 20, 2005; response and opposition filed February 3, 2005. Dispositive motions, if any, filed June 30, 2005.

**CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D) (3)**

The undersigned counsel of record for the respective parties to this action, and their respective authorized representatives, certify pursuant to Local Rule 16.1(D) (3) that they have conferred with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation, and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined Local Rule 16.4.

PREMIER CAPITAL, LLC

By its attorneys,

S/Thomas J. Morrisey

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By: \_\_\_\_\_

Authorized Representative

BEVERLY JOHNSON PENZELL,

d/b/a Law Office of Kris E. Penzell, and

BEVERLY JOHNSON PENZELL, as Personal  
Representative of the Estate of Kris E. Penzell

By their attorneys,

s/ Jennifer L. Finger

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Authorized Representative